

U.S. Application No.: 10/019,355
Group Art Unit No.: 1625

REMARKS

Claims 13-25 are pending in the application. Claim 13 is the sole independent claim. Support for claims 24 and 25 may be found in the specification at page 4, lines 1-16. Claims 15, 16 and 18 have been amended, as discussed below. No new matter has been introduced..

Claims 15, 16 and 18 were rejected under 35 U.S.C. §112, second paragraph, as allegedly indefinite. The Examiner has indicated that Figures I and II must be depicted in claims 15 and 16, respectively. Soley to expedite prosecution, Applicants have amended claims 15 and 16 to include the recited figures. However, Applicants respectfully submit that these claims were written in accordance with M.P.E.P. 2173.05(s). Claims that are written to incorporate by reference a specific figure or table are not improper and are not considered indefinite. Applicants respectfully submit that M.P.E.P. 2173.05(s) provides full support for drafting claims to incorporate by reference to a specific figure or table, where "there is no practical way to define the invention in words and where it is more concise to incorporate by reference than duplicating a drawing or table into the claim." It should be noted that now each of claims 15 and 16 take up an entire printed page, instead of 2-3 lines. Accordingly, Applicants respectfully submit that these claims present a situation where there is no practical way to define the invention in words and where it is more concise to incorporate by reference than duplicating a drawing or table into the claim. Applicants approve any Examiner's Amendment that would cancel the depiction of Figures I and II from claims 15 and 16.

The Examiner has objected to the use of the term "appropriate" in claim 18. Soley to expedite prosecution, Applicants have canceled the phrase "an appropriate amount of" from claim 18 as redundant. The dihydrate compound of claim 13 would not be obtained if an inappropriate amount of water were used in the claimed method.

Applicants note the Examiner's acknowledgement that claims 13-14 and 17 and 19-23 are allowable.

Applicants believe that they have addressed each of the Examiner's concerns and met each of the objections. If the Examiner has any remaining objections or concerns, the Examiner is respectfully requested to contact Applicants' undersigned attorney to resolve such issues and advance the case to issue.